

AMENDED IN SENATE JANUARY 23, 2006

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 6, 2005

**SENATE BILL**

**No. 540**

**Introduced by Senator Kehoe**

February 18, 2005

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An act to add Section 1940.3 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 540, as amended, Kehoe. Tenancy: signs and flags.

Existing law regulates the terms and conditions of residential tenancies. Existing law prohibits a landlord for interfering with a tenant's quiet enjoyment of the premises.

This bill would prohibit a landlord from prohibiting a tenant from posting or displaying campaign signs relating to an election or legislative vote, including an election for a candidate for public office or to the initiative, referendum, or recall process, except as specified. *The bill would permit a landlord to prohibit the posting or display of campaign signs under certain circumstances, including when the posting or display is in excess of a specified period.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1940.3 is added to the Civil Code, to  
2 read:

1 1940.3. (a) Except as provided in subdivision (b), a landlord  
2 shall not prohibit a tenant from posting or displaying campaign  
3 signs relating to (1) an election or legislative vote, including an  
4 election for a candidate for public office or (2) the initiative,  
5 referendum, or recall process. Campaign signs may be posted or  
6 displayed ~~from~~ in the window or on the door of the premises leased  
7 by the tenant in a multifamily dwelling, or from the yard, window,  
8 door, balcony, or outside wall of the premises leased by a tenant  
9 of a single family dwelling.

10 (b) A landlord may prohibit ~~campaigns that are more than nine~~  
11 ~~square feet in size. a tenant from posting or displaying campaign~~  
12 ~~signs in the following circumstances:~~

13 (1) *The campaign sign is more than nine square feet in size.*

14 (2) *The posting or displaying would violate a local, state, or*  
15 *federal law.*

16 (3) *The posting or displaying would violate a lawful provision*  
17 *in a common interest development governing document that*  
18 *satisfies the criteria of Section 1353.6.*

19 (4) *The posting or displaying is in excess of the period of time*  
20 *between 90 days prior to the relevant election or vote and 15 days*  
21 *following the election or vote.*

22 SEC. 2. It is the intent of the Legislature that enactment of this  
23 bill shall not diminish or affect in any way any other form of  
24 political or noncommercial expression by a tenant where that  
25 expression is not associated with an election or political campaign.